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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,553	08/24/2006	Thomas Ullein	INA-PT184 (4357-18-US)	8608
3624 7590 11/07/2008 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER AUNG, SAN M	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 11/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/590,553

**Applicant(s)**

ULLEIN, THOMAS

**Examiner**

SAN AUNG

**Art Unit**

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 08/24/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is First Office Action Non-Final rejection on the merits.

Claims 1-6, originally filed, are currently pending have been considered below.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3, 7- 11, 15-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (US Patent 6,308,679 B1).

**As per claim 1**, Nakamura et al. discloses Separator Structure of chain case comprising at least one chain or synchronous belt wheel(14, Column 2, Lines 61-62), which is integrated in the drive (Figures 1 and 7) and through which the chain or the synchronous belt is guided and engaged (Figures 1 and 7), as well as with an over-jump protection element (20a, Column 3, Lines 12-13), which at least partially overlaps the chain or the synchronous belt on a side opposite the wheel (Figures 1 and 7), the over-jump protection element is provided on an element guiding or tensioning an adjacent chain or an adjacent synchronous belt (12, 13, Column 2, Lines 58-62).

**As per claim 2**, Nakamura et al. discloses the adjacent chain or the adjacent synchronous belt (15, Column 2, Lines 61-62) is also guided by a common chain or synchronous belt wheel or a chain or synchronous belt wheel coupled with the common wheel (12, 13, Column 2, Lines 58-62).

**As per claim 3**, Nakamura et al. discloses the over-jump protection element is connected integrally to the element (Column 3, Lines 11-14, and Figures 1-7).

**As per claim 7**, Nakamura et al. discloses the over-jump protection element comprises at least one plate or projection (20a, Column 3, Line 13), which is shaped according to outer contours of the chain or synchronous belt to be overlapped (Figures 1 and 7) and which projects laterally from the element (Figures 1 and 7).

**As per claim 8**, Nakamura et al. discloses the plate or the projection (20a, Column 3, Line 13) is supported by a support element that extends to the element (Figures 1 and 7).

**As per claim 9**, Nakamura et al. discloses the element is a chain or synchronous belt tensioner (20, Column 3, Line 12) integrated in a drive of an oil pump (Column 3, Lines 29-34).

**As per claim 10**, Nakamura et al. discloses tensioning or guiding element for integration in a traction mechanism drive for tensioning or guiding the traction mechanism, comprising at least one laterally projecting over-jump protection element (20a, Column 3, Line 13) for a chain or synchronous belt guided adjacent to the chain or to the synchronous belt (Figures 1 and 7).

**As per claim 11**, Nakamura et al. discloses the tensioning or guiding element is a one-piece part (Figures 1 and 7).

**As per claim 15**, Nakamura et al. discloses the over-jump protection element comprises at least one plate or projection (20a, Column 3, Line 13), which is shaped

according to outer contours of the chain or synchronous belt to be overlapped (Figures 1 and 7) and which projects laterally (Figures 1 and 7).

**As per claim 16**, Nakamura et al. discloses the plate or the projection (20a, Column 3, Line 13) is supported by a support element that extends to the element.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4-6 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US Patent 6,308,679 B1) as applied to claim 1, 3, 10 and 11 above, and further in view of Hoffmann et al. (US Patent 4,869,708).

**As per claim 4**, Nakamura et al. discloses all the structural elements of the claimed invention but fails to explicitly disclose the element is made from plastic or metal.

Hoffmann et al. discloses the element is made from plastic or metal (21, Column 2, Lines 27-29).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the element of the Nakamura et al. to make from plastic or metal taught by Hoffmann et al. in order to provide light weight and low cost mechanism.

**As per claim 5**, Nakamura et al. discloses all the structural elements of the claimed invention but fails to explicitly disclose the over-jump protection element is a component that is separate from the element and is mounted on the element.

Hoffmann et al. discloses the over-jump protection element is a component that is separate from the element and is mounted on the element (34, Column 2, Lines 63-66, and Figure 1).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the over-jump protection element of the Nakamura et al. to make separate from the element and is mounted on the element taught by Hoffmann et al. in order to provide ease of assembly onto the engine block.

**As per claim 6**, Nakamura et al. discloses all the structural elements of the claimed invention but fails to explicitly disclose the over-jump protection element and the element are composed of plastic or metal or of different materials.

Hoffmann et al. discloses the over-jump protection element and the element are composed of plastic or metal or of different materials (21, Column 2, Lines 27-29).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the over-jump protection element and the element are composed of plastic or metal or of different materials taught by Hoffmann et al. in order to provide light weight and low cost mechanism.

**As per claim 12**, Nakamura et al. discloses all the structural elements of the claimed invention but fails to explicitly disclose the tensioning or guiding element is made from plastic or metal.

Hoffmann et al. discloses the tensioning or guiding element is made from plastic or metal (21, Column 2, Lines 27-29).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the element of the Nakamura et al. to make plastic or metal taught by Hoffmann in order to provide light weight and low cost mechanism.

**As per claim 13**, Nakamura et al. discloses all the structural elements of the claimed invention but fails to explicitly disclose the over-jump protection element is a component that is separate from the element and is mounted on the element.

Hoffmann et al. discloses the over-jump protection element is a component that is separate from the element and is mounted on the element (34, Column 2, Lines 63-66, and Figure 1).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the over-jump protection element of the Nakamura et al. to make separate from the element and is mounted on the element taught by Hoffmann et al. in order to provide ease of assembly onto the engine block.

**As per claim 14**, Nakamura et al. discloses all the structural elements of the claimed invention but fails to explicitly disclose the over-jump protection element and the element are comprised of plastic or metal or of different materials (21, Column 2, Lines 27-29).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the over-jump protection element of the Nakamura et al.

to make the element are comprised of plastic or metal or of different materials taught by Hoffmann in order to provide low cost and light weight mechanism.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference Fukushima et al. (US Patent 5,366,418) discloses Chain guide device in engine with similar features.

The reference O. Cooley (US Patent 389,836) discloses Chain belt tightener with similar features.

The reference Dembosky (US Patent 5,643,117) discloses Hydraulic tensioner with check valve vent with similar double sprocket features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAN AUNG whose telephone number is (571)270-5792. The examiner can normally be reached on Mon-to- Fri 7:30 am- to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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